

**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

SEP 27 2017

Clerk, U.S. District Court  
District Of Montana  
Missoula

BRYSON PATRICK CONNOLLY,

Plaintiff,

vs.

MYRON BEESON, et al.,

Defendants.

CV 16-112-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Findings and Recommendations in this case on August 16, 2017, recommending that this action be dismissed for failure to amend his complaint and cure the deficiencies. Plaintiff Bryson Patrick Connolly (“Connolly”) failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error,

IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 8) is ADOPTED IN FULL.

- (1) This matter is DISMISSED WITH PREJUDICE for failure to state a claim.
- (2) The Clerk of Court is directed to close this matter and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.
- (3) The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaint lacks arguable substance in law or fact.
- (4) The Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) because Connolly failed to state a claim upon which relief may be granted.

DATED this 27<sup>th</sup> day of September, 2017.



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Dana L. Christensen  
United States District Court